

Senator Grassley, Chairman
Questions for the Record
Mr. Aaron Reitz

Nominee to be the Assistant Attorney General for the Office of Legal Policy of the DOJ
February 26, 2025

At your hearing, Senator Hirono mentioned an allegation from a terminated male employee at the Office of the Attorney General of Texas (OAG) that “there were many complaints of sexual harassment by female employees about Mr. Reitz.” This suggestion stands in stark contrast with a letter the Committee received from more than 80 of your former colleagues at OAG (40% of whom were women) strongly supporting your nomination. In their letter, your former colleagues wrote: “we know that he’s trustworthy, honest, faithful, dependable, humble, and upright. He’s a consummate professional. And he’s a fundamentally good and decent man who treats everyone fairly and with dignity.”

Please answer the follow questions:

1. Is there any truth to the allegations mentioned by Senator Hirono?

RESPONSE: No.

2. Were the allegations Senator Hirono referenced made by former employee David Maxwell at OAG?

RESPONSE: Yes.

3. Did Mr. Maxwell make these allegations under oath?

RESPONSE: No. Mr. Maxwell made these defamatory statements to the Texas House’s General Investigating Committee, which received unsworn testimony from approximately 15 witnesses, including Mr. Maxwell. *See* H.R. Comm. on Gen. Investigating, Hearing at 14-15 (May 24, 2023); *see also* 88th Leg., R.S., Journal of the Texas House at 5920 (statement of Rep. Murr: “No witnesses were placed under oath.”). This is contrary to state law requiring legislative committees to require witnesses to provide testimony under oath. Tex. Gov’t Code § 301.022(a); § 301.022(b) (specifically prohibiting the General Investigating Committee from waiving the requirement).

4. Were you directly involved in the termination of Mr. Maxwell at OAG?

RESPONSE: Yes.

5. Was Mr. Maxwell terminated for cause?

RESPONSE: Yes, as his employment record at OAG reflects.

6. Have you ever sexually harassed any employee at OAG?

RESPONSE: No.

7. Are you aware of any complaints of sexual harassment against you?

RESPONSE: No. There were zero complaints against me for anything even approximating “sexual harassment” during my time at the Agency.

8. Did Mr. Maxwell state that “you can’t find the complaints” when he made this allegation?

RESPONSE: That is my understanding of what Mr. Maxwell said.

9. When the *Dallas Morning News* reported on this allegation, did they find any complaints involving allegations of sexual harassment against you?

RESPONSE: No, the Dallas Morning News found no allegations against me because none exist.

10. When asked, did OAG identify any complaints of sexual harassment against you?

RESPONSE: No. When asked to look into the Agency’s records, it found no allegations against me because none exist.

11. Did more than 80 former colleagues at OAG sign a letter in support of your nomination noting that you’re “trustworthy, honest, faithful, dependable, humble and upright”?

RESPONSE: Yes. I am grateful for the support of my former colleagues.

12. Did more than 30 women sign that letter?

RESPONSE: Yes. Over 40% of the signatories on the letter are women.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Aaron Francis Reitz
Nominee to be Assistant Attorney General for the Office of Legal Policy
February 27, 2025

1. In 2018, Congress overwhelmingly passed the First Step Act, which brought much-needed reform to our federal criminal justice system. Fewer than ten percent of First Step Act beneficiaries have been rearrested or returned to custody. This is significantly smaller than the Bureau of Prisons' overall recidivism rate of about 45 percent.

- a. **Have you ever opposed the First Step Act or called for repealing any of its provisions?**

RESPONSE: Yes, I have personally voiced opinions regarding the First Step Act. If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

- b. **Are there any aspects of the criminal justice system (e.g. sentencing disparities, high incarceration rates, or police practices) that you believe need reform?**

RESPONSE: Please see my response to Question 1(a).

- c. **Have you ever criticized elected officials for supporting criminal justice reform? If so, why?**

RESPONSE: Not that I recall or that I am aware.

2. On the second anniversary of George Floyd's murder, President Biden signed an executive order limiting the use of chokeholds, no-knock warrants, and military equipment transfers to police departments. It also directed federal law enforcement to adopt body camera policies and implement revised use-of-force standards that encourage de-escalation. President Trump rescinded that order on his first day in office.

- a. **What role, if any, do you believe the federal government should play in trying to limit the types of police practices that led to the death of George Floyd?**

RESPONSE: I believe that local governments should determine appropriate police practice so long as those practices do not violate the Constitution or federal law.

- a. Have you ever expressed doubt as to whether Derek Chauvin killed George Floyd or whether his death was a homicide?**

RESPONSE: I am sure that I have.

- b. Are you aware of any plans by the Trump Administration to build on the efforts of his June 16, 2020, police reform executive order issued after the murder of George Floyd?**

RESPONSE: No.

- a. Do you believe that Derek Chauvin was wrongly convicted of murdering George Floyd or that Chauvin was unfairly targeted by Minnesota prosecutors?**

RESPONSE: I am aware of ongoing federal litigation with the case, so it would be inappropriate for me to comment at this time.

3. In 2022, Congress enacted the Respect for Marriage Act, which requires all states and territories to recognize the validity of same-sex marriages from other states. The law empowers the Attorney General to bring a civil action against anyone who violates that guarantee.

- a. As a policy matter, do you support the Respect for Marriage Act's protections for same-sex couples? Please explain why or why not.**

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States regardless of what personal views I may have on a specific statute.

- b. As a policy matter, do you support the Respect for Marriage Act's protections for interracial couples? Please explain why or why not.**

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States regardless of what personal views I may have on a specific statute.

- c. Do you believe that the Respect for Marriage Act sufficiently protects religious liberty?**

RESPONSE: I am not sure what this question is attempting to ask. Therefore, I cannot answer it as presented.

- d. Have you ever argued that same-sex marriages have less moral worth than heterosexual marriages?**

RESPONSE: As a practicing Catholic, I believe that marriage is between one man and one woman, but that all people are created in the image of God and thus due the full dignity that accompanies that.

- a. Have you ever argued that interracial marriages have less moral worth than non-interracial marriages?**

RESPONSE: No.

As Senator Padilla pointed out during his questioning, in 2021, you labeled *Obergefell v. Hodges* one of the “worst” Supreme Court decisions of the last few years.

- e. Do you still oppose the extension of marriage rights to same-sex couples, including the Supreme Court’s decision in *Obergefell v. Hodges*?**

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

4. In 2020, the Supreme Court ruled in *Bostock v. Clayton County* that lesbian, gay, bisexual, and transgender employees were protected by Title VII of the Civil Rights Act.

- a. Do you believe that *Bostock* was correctly decided?**

RESPONSE: *Bostock v. Clayton County* is binding precedent of the Supreme Court of the United States and I respect it as such.

- b. Do you believe that LGBTQ+ people should be protected from discrimination in employment, housing, and public accommodations in the same way that racial and religious minorities are?**

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States. This includes the laws that protect all persons from any form of discrimination.

- c. **Have you ever expressed opposition to non-discrimination laws granting protections on the basis of sexual orientation and/or gender identity?**

RESPONSE: I have expressed concern that some so-called non-discrimination laws of this nature are often written and applied in overly broad ways, such that they become oppressive to and discriminatory against those who do not adhere to certain so-called sexual orientation/gender identity (SOGI) preferences.

- d. **Have you ever argued that non-discrimination laws that protect LGBT people are unworkable?**

RESPONSE: I have expressed concern that some non-discrimination laws of this nature are often written and applied in overly broad ways, such that they become oppressive to and discriminatory against those who do not adhere to certain so-called sexual orientation/gender identity (SOGI) preferences.

- e. **Have you ever expressed the view that schools should not hire otherwise qualified LGBTQ+ teachers?**

RESPONSE: Not that I am aware or can recall.

- f. **Have you ever expressed the view that LGBTQ+ people recruit or indoctrinate children to try and change their sexuality or gender identity?**

RESPONSE: Not that I am aware or can recall.

- g. **Have you ever argued that LGBTQ+ people are inherently more immoral than heterosexual or cisgender people?**

RESPONSE: I am not sure what is meant by “inherently more immoral,” but I personally subscribe to Christian—and in particular, Catholic—sexual ethics.

- h. **Have you ever expressed support for laws that prohibit same-sex couples from adopting children?**

RESPONSE: Not that I am aware or can recall.

5. The Comstock Act is a current provision of federal law (18 U.S.C. § 1461) that criminalizes the conveying of certain material via mail, including “[e]very article or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use[.]”

- a. **Have you discussed invoking the Comstock Act with any Trump Administration officials?**

RESPONSE: No.

- b. **Are you aware of any plans or proposals from the Trump Administration to invoke the Comstock Act?**

RESPONSE: President Trump has said that he will not use the Comstock Act to criminalize the mailing of commonly used abortion-related materials.

- c. **As a policy matter, do you believe that those who mail abortifacients or birth control via the U.S. Postal Service, such as doctors, should be prosecuted?**

RESPONSE: If this question comes up, I am committed to carefully reviewing these issues in consultation with other Department attorneys and government agencies. Absent an official administration policy position, and given the pending litigation on this topic, I am not going to comment further.

- d. **Have you ever expressed the view that abortion providers are morally corrupt?**

RESPONSE: I am sure that I have.

- e. **Have you ever expressed or endorsed the belief that the Due Process Clause of the 14th Amendment to the Constitution endows fertilized eggs, embryos, and fetuses with full legal rights and protections? If so, do you still believe this?**

RESPONSE: Not that I am aware or can recall.

- f. **Are you aware of any plans or proposals from the Trump Administration to interpret the Due Process Clause of the 14th Amendment to endow fertilized eggs, embryos, and fetuses with full legal rights and protections?**

RESPONSE: No.

- g. **Have you ever questioned the religious faith of any public officials who support abortion rights?**

RESPONSE: I am sure that I have.

- h. **Have you ever questioned the religious faith of any public officials who support the death penalty?**

RESPONSE: Not that I am aware or can recall.

- i. **Have you ever questioned the religious faith of any public officials who support limiting the number of refugees that the United States admits?**

RESPONSE: Not that I am aware or can recall.

- j. **Have you ever condemned or criticized a particular community (e.g. racial, religious, ethnic) for supporting the Democratic Party or a Democratic candidate for office?**

RESPONSE: I am sure that I have expressed general concern over any group or any individual supporting the Democratic party or candidates.

- k. **Have you ever argued in favor of legally codifying fetal personhood?**

RESPONSE: Not that I am aware or can recall.

- l. **Have you ever called for an outright federal ban on pornography?**

RESPONSE: Not that I am aware or can recall.

6. The First Amendment’s guarantees of free speech, freedom of association, and separation of church and state are cornerstones of our democratic system. With respect to free speech, the Supreme Court has outlined several categories of speech that are exempt from First Amendment protection, such as incitement, defamation, fighting words, and obscenity.

- a. **Do you believe the definition of obscenity outlined in *Miller v. California* is too narrow? If so, why?**

RESPONSE: *Miller v. California* is binding precedent of the Supreme Court of the United States and I respect it as such.

- b. **Have you ever expressed support for a return to stricter laws regulating obscenity?**

RESPONSE: I am sure that I have.

- c. **Have you ever expressed support for legislation outlawing a political party?**

RESPONSE: No.

- a. **Have you ever called for the deployment of the U.S. military to quell peaceful protests?**

RESPONSE: No, never with respect to peaceful protests.

- a. **Do you believe that the First Amendment establishes the principle of separation between church and state? Please explain why or why not.**

RESPONSE: The Supreme Court has explained in *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), that the First Amendment’s Establishment Clause and Free Exercise Clause “have complementary purposes, not warring ones.” Likewise, the Court has provided guidance that an “interest in separating church and state ‘more fiercely’ than the Federal Constitution” is not a compelling governmental interest “in the face of the infringement of free exercise.” *Espinoza v. Montana Department of Revenue*, 591 U.S. 464, 484-85 (2020). These opinions are binding precedent of the Supreme Court and are entitled to respect as such.

7. During the last election, President Trump expressed support for legalizing the recreational use of marijuana in Florida.

- a. **Do you believe marijuana should be legalized at the national level?**

RESPONSE: If confirmed, I will give the matter careful consideration after conferring with all relevant stakeholders, including DEA personnel. I am committed to faithfully and energetically pursuing President Trump's and Attorney General Bondi's agenda.

- b. **Do you believe marijuana should be reclassified under Controlled Substances Act?**

RESPONSE: Please see my response above.

- c. **Are you aware of any discussions, proposals, or plans from the Trump Administration to reclassify marijuana?**

RESPONSE: I am only aware of what has been publicly reported, including statements made by President Trump on the campaign trail regarding individual use of marijuana.

- d. **Have you ever expressed opposition to legalizing marijuana?**

RESPONSE: I am sure that I have. But regardless of my own personal views, I am committed to faithfully and energetically pursuing President Trump's and Attorney General Bondi's agenda.

8. At a January 6, 2021, rally, President Trump told a crowd of supporters, "if you don't fight like hell, you're not going to have a country anymore." A violent mob then attacked the U.S. Capitol. Prior to that, President Trump had repeatedly cast doubt on the validity of millions of legal votes.

- a. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Pennsylvania?**

RESPONSE: Joe Biden was certified as the winner of Pennsylvania in 2020.

- b. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Wisconsin?**

RESPONSE: Joe Biden was certified as the winner of Wisconsin in 2020.

- c. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Michigan?**

RESPONSE: Joe Biden was certified as the winner of Michigan in 2020.

- d. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Arizona?**

RESPONSE: Joe Biden was certified as the winner of Arizona in 2020.

- e. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Georgia?**

RESPONSE: Joe Biden was certified as the winner of Georgia in 2020.

- f. **Did the state legislatures of Pennsylvania, Wisconsin, Michigan, Arizona, and Georgia err in certifying Joe Biden as the winner of those states' electoral votes in 2020?**

RESPONSE: As the Committee is aware, I worked on the December 2020 lawsuit by the State of Texas against Pennsylvania, Georgia, Michigan, and Wisconsin for those states violating the Constitution's Electors Clause by illegally changing the rules of appointing presidential electors. The case was rejected by the Supreme Court on standing grounds, and these states as well as others went on to certify their elections. Joe Biden was later sworn in as our 46th President.

- g. **Did Joe Biden win the national popular vote by a bigger percentage point margin in 2020 than Donald Trump did in 2024?**

RESPONSE: I am not an expert on the methodologies used in different states to qualify electors, conduct the polling, and count votes, but I am aware that there are variations among the states that makes this question difficult to answer. It is also irrelevant because the American Presidency is determined by the winner of the Electoral College.

- h. **Have you ever argued that Republican members of Congress who voted to certify the 2020 presidential election results should face primary challenges from candidates who would not have voted to certify the election?**

RESPONSE: I am sure that I have.

- i. **Have you ever questioned the patriotism of Republican members of Congress who voted to certify the 2020 election?**

RESPONSE: Not that I am aware or can recall.

- j. **Have you ever questioned the mental fortitude of conservatives who acknowledged Joe Biden's victory in the 2020 election?**

RESPONSE: Yes, in one social media post made more than four years ago, I expressed concern over some Republicans going along with the media's premature announcement that Joe Biden had won when there was still ongoing litigation and other outstanding issues.

- a. **In the weeks following the January 6 attack on the U.S. Capitol, did you ever take to social media to discuss the attack?**

RESPONSE: Not that I am aware or can recall.

- k. **In the weeks following the January 6 attack on the U.S. Capitol, did you ever take to social media to publicly condemn the violence against police officers and the destruction of federal property? If so, please provide evidence of these comments.**

RESPONSE: Not that I am aware or can recall.

- l. **Have you ever denigrated the service of any Capitol police officer who was assaulted on January 6?**

RESPONSE: Not that I am aware or can recall.

- m. **Have you ever questioned whether the National Guardsmen who defended the capitol after January 6 were loyal to the Constitution?**

RESPONSE: Not that I am aware or can recall.

- n. Is denigrating the service of a Capitol police officer who was assaulted on January 6 a disqualifying statement for a nominee before the Senate Judiciary Committee?**

RESPONSE: This hypothetical is too vague to answer with precision. One would have to look at the specific facts and circumstances of the statement to draw such a conclusion.

- o. Is questioning National Guardsmen's fidelity to the Constitution a disqualifying statement for a nominee before the Senate Judiciary Committee?**

RESPONSE: This hypothetical is too vague to answer with precision. One would have to look at the specific facts and circumstances of the statement to draw such a conclusion

9. While you were serving as Deputy Assistant Attorney General for Legal Strategy in the Texas Attorney General's Office, Texas filed a lawsuit against Pennsylvania and other battleground states to challenge the legitimacy of the 2020 election results. The Supreme Court dismissed the case after determining that Texas did not have standing.

On the day that news networks called the race for President Biden, you tweeted that the election was, "obviously fraudulent."

- a. Do you still believe the 2020 election was "obviously fraudulent?"**

RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

- b. Can you, unlike other Trump nominees, admit that President Trump lost the 2020 election?**

RESPONSE: Please see my response above.

10. If confirmed, you will be working with members of the Senate on judicial nominations.

- a. **Do you believe it is important that the Trump Administration engage in good-faith, bipartisan discussions with respect to selecting qualified judicial nominees?**

RESPONSE: If confirmed, I would look forward to carefully reviewing all judicial nominees appointed by President Trump.

- b. **Do you believe that the Trump Administration should be transparent with home-state Senators about who the President plans to select or is considering selecting for judicial vacancies?**

RESPONSE: As I stated at the hearing, I am committed to working collaboratively with the Senate Judiciary Committee and individual home state Senators regarding judicial vacancies. I am not yet familiar with the specific procedures that the White House follows for identifying candidates or the variety of state-based procedures to assist in identifying qualified candidates. I look forward to working with members of this Committee to provide as much transparency and collaboration as possible.

- c. **Do you believe that the advice and consent role of the Senate is an important part of the Constitution's system of checks and balances?**

RESPONSE: Yes. As I said during my confirmation hearing opening statement, "Thank you, Chairman Grassley and Ranking Member Durbin for convening this hearing, and for providing my fellow nominees and me the opportunity to participate in *the Senate's essential and time-honored advice-and-consent role under the Constitution.*" (emphasis added).

- d. **Do you believe that President Trump respects the structure and provisions of the Constitution? Have you ever said otherwise?**

RESPONSE: Yes.

- e. **Do you believe that Democrats respect the structure and provisions of the Constitution? Have you ever said otherwise?**

RESPONSE: Yes. I am not aware of statements otherwise regarding the advice and consent role of the Senate.

11. On October 12, 2019, you posted a video on Facebook in which you said, quote, "I believe that human life starts at conception. No exceptions."

- a. **Do you believe that abortion access should be available to victims of rape and incest?**

RESPONSE: President Trump has publicly stated his support for exceptions on those bases.

- b. **Do you believe a child who becomes pregnant as a result of rape or incest should be forced to give birth?**

RESPONSE: Please see my response above.

12. At the time of your nomination, your X account—which was created in 2014—only had 80 published posts. But around 4,000 of your deleted tweets are still accessible.

- a. **When did you delete these posts?**

RESPONSE: I have oftentimes observed a practice of regularly deleting old tweets. I recall, though am not certain, clearing out my X account shortly before joining the Senate as a Chief of Staff in 2023, since most of my social media activity was related to my prior service in Texas and not related to my role as a Senate staffer.

- b. **Why did you delete thousands of your own social media posts?**

RESPONSE: See above response.

13. Texas Attorney General (AG) Ken Paxton faced impeachment proceedings after several whistleblowers—all of which are staunch Republicans and/or Paxton political appointees—reported to federal law enforcement their belief that AG Paxton had improperly used his office to benefit his friend and political donor, Nate Paul. In exchange for getting involved in legal disputes to benefit Paul and his businesses, AG Paxton allegedly received home renovations and assistance with facilitating an extramarital affair. After coming forward with their allegations, the whistleblowers were fired.

- a. **Are you aware that 18 USC § 1513(e) makes it a federal felony to retaliate against a federal whistleblower?**

RESPONSE: Yes.

- a. **Were you aware of this law when you joined the Office of the Attorney General (OAG) in October 2020?**

RESPONSE: Yes.

- a. **Did you recommend the firing of any of the whistleblowers who reported AG Paxton to law enforcement?**

RESPONSE: After carefully assessing the facts, circumstances, and law, and conferring with the Agency's executive leadership staff, the Human Resources Division, General Counsel, and legal ethics counsel, I recommended that AG Paxton fire these employees for cause.

- a. **Were you involved in any way with the decision to terminate the whistleblowers? If so, what was the extent of your involvement?**

RESPONSE: See above response.

14. According to your testimony in an OAG's internal report, the whistleblowers were fired for, "holding the agency hostage" with poor work habits, not because of the allegations they made against the Attorney General. Notably, your employment at the OAG began in October 2020, shortly after the whistleblowers reported Paxton to the FBI on September 30, 2020, and mere weeks before they were fired.

- a. **Were you a direct supervisor for any of the whistleblowers? If so, which whistleblowers did you supervise and for how long did you supervise them?**

RESPONSE: No.

- b. **What was your level of familiarity with the quality of their work?**

RESPONSE: High degree of familiarity.

- c. **How many days or weeks of work with the whistleblowers informed your testimony regarding the conduct that you cited as justification for their termination?**

RESPONSE: Starting on my first day on the job—October 1, 2020—through the date of each individual’s termination date. These days and weeks also included a deep look-back period in which I assessed their prior work performance and work product.

d. Was it just a coincidence that the whistleblowers were fired after they reported AG Paxton’s misconduct to the FBI?

RESPONSE: The employees’ termination has nothing to do with their reporting AG Paxton to the FBI.

e. Were you involved in drafting, editing, or otherwise developing the OAG’s internal report regarding the termination of the whistleblowers? If so, please describe the extent of your participation.

RESPONSE: Yes. I spent many hours reviewing documents, cite-checking, fact-checking, drafting summaries, cross-checking references, and editing the report.

15. On September 17, 2024, Bloomberg Law reported that you appeared before the grand jury investigating AG Paxton in August 2024.

a. Are you under court order not to disclose your testimony, or under any court order related to the case against AG Paxton?

RESPONSE: Not that I am aware at this time.

b. Did you receive immunity in exchange for your testimony?

RESPONSE: No.

c. Do you believe or have any knowledge that Attorney General Paxton committed any crimes?

RESPONSE: I believe that Attorney General Paxton is innocent and has committed no crimes.

- d. **If confirmed, will you refrain from attempting to influence any investigation or prosecution into AG Paxton, your former boss, that may be ongoing at the Department of Justice?**

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

- e. **If confirmed, can whistleblowers that may come forward within the Office of Legal Policy trust you not to retaliate against them?**

RESPONSE: If confirmed, I will work with the proper offices at the Department to ensure that whistleblowers are protected in accordance with the law.

16. ProPublica and The Texas Tribune recently identified more than a dozen instances in which your former employer, Attorney General Ken Paxton, misused Texas consumer protection laws to investigate organizations whose work conflicts in some way with his political views or the views of his party. For example, Paxton's lawyers argued to a state judge that an El Paso-based religious organization, the Annunciation House, should be closed. They accused—without evidence—the 46-year-old nonprofit of violating laws prohibiting human smuggling and operating a stash house.

Under President Trump, the Department of Justice has been weaponized against state and local authorities and non-profits, such as those in my home state, that are engaged in activities that are lawful but that he does not support politically.

As the primary policy advisor to the Attorney General and the Deputy Attorney General, how will you ensure that Department resources are utilized in a manner consistent with the law—focusing on individuals and programs actually engaging in dangerous criminal activity or violent crime—rather than as a political weapon against those with whom the President disagrees or dislikes?

RESPONSE: I will work to make sure that the Department pursues its mission, and I will always uphold my oath to support and defend the Constitution and federal law.

17. You represented the state of Texas in a lawsuit challenging a Biden Administration policy that directed U.S. Immigration and Customs Enforcement (ICE) agents to prioritize for enforcement individuals who present a threat to public safety, national

security, or border security. The U.S. Supreme Court ultimately ruled against the State of Texas and in favor of prosecutorial discretion in that litigation.

Recent data published by the Cato Institute shows that rescinding these priorities resulted in the detention of asylum seekers and the release of nearly 58,184 noncitizens with criminal records, including 8,620 violent criminals and 306 murderers. It also shows that with enforcement priorities in place under the Biden Administration, fewer violent criminals were released. We have seen the Trump Administration rescind the Biden memo on enforcement prioritizes.

Will you urge the Department of Homeland Security to ensure that national security and public safety threats are prioritized for immigration enforcement, rather than falling back on the disastrous policies that have led to arrests of vulnerable families and asylum seekers with no criminal histories?

RESPONSE: It would be inappropriate for me to make a commitment to “urge” the Department of Homeland Security on specific interagency policies without having been briefed or consulted on the specific issues.

18. Your former employer, Attorney General Ken Paxton, filed a lawsuit challenging the Deferred Action for Childhood Arrivals program that attempts to deprive hundreds of thousands of immigrants who were brought to the United States as children of their ability to live and work in the United States. President Trump has said he hopes to protect these deserving immigrants.

Consistent with the President’s statements, do you support the Department of Homeland Security regulation entitled, “Deferred Action for Childhood Arrivals?”

RESPONSE: I am committed to faithfully and energetically pursuing the President’s and the Attorney General’s agenda.

**Senate Judiciary Committee Hearing
“Nominations”
Questions for the Record for Aaron Reitz**

QUESTION FROM SENATOR BLACKBURN

- 1. It is the role of the Department of Justice’s Office of Legal Policy to implement the policy initiatives of the Department. Attorney General Bondi has already made clear that she will prioritize fighting violent crime and making our communities safer and, if confirmed to this position, you will play an essential role in these efforts. One of the Department’s most successful initiatives during President Trump’s first term was Operation Legend, which surged federal law enforcement resources into ten of America’s most violent cities to help local police get violent offenders off our streets. This policy resulted in a swath of federal arrests and charges, including 815 firearms offenses and 566 drug-related crimes. This policy also contributed to the 17% reduction in violent crime during President Trump’s first term. However, this reduction was quickly offset by President Biden’s soft-on-crime policies, which allowed violent crime to increase by 43% under his watch.**
 - a. If confirmed, will you commit to working with Attorney General Bondi to examine and potentially implement a policy similar to Operation Legend for many of our nation’s largest cities that are still dealing with violent crime surges?**

RESPONSE: Making our communities safer is one of the highest priorities for this Administration and for Attorney General Bondi. If confirmed, I will commit to working with Attorney General Bondi to examine various policies similar to Operation Legend designed to make our communities safer.

Senator Eric Schmitt
Senate Judiciary Committee
Written Questions for Aaron Reitz
Hearing on “The Nomination of Aaron Reitz to be an Assistant Attorney General of the
United States”
Wednesday, February 12, 2025

Are you aware of the case *Arbutus Biopharma Corporation et al v. Moderna, Inc.*, in which the Biden Administration’s Department of Justice filed a Statement of Interest asserting that the U.S. government is responsible for intellectual property costs under Section 1498 of the Patent Act regarding the use of Arbutus’s lipid nanoparticle (LNP) technology in Moderna’s COVID-19 vaccine? If not, will you please take the time to review the Statement of Interest submitted by the Biden Administration's DOJ and consider the potential financial burden this may impose on U.S. taxpayers?

RESPONSE: I am not familiar with *Arbutus Biopharma Corporation et al v. Moderna, Inc.*, but I commit to familiarizing myself with it.

Nomination of Aaron Reitz
To be Assistant Attorney General for the Office of Legal Policy
United States Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question individually and as specifically as possible.

1. During your hearing, you stated, “there is no hard and fast rule about whether in every instance a public official is bound by a court decision. There are some instances in which he or she may lawfully be bound and other instances in which he or she may not lawfully be bound.”
 - a. Under what circumstances would it be lawful for the executive branch to disregard a court order?

RESPONSE: This hypothetical question presents insufficient information for me to answer with precision.

2. During your hearing, you stated, “there are reasonable debates to be had about the meaning and application and scope of what is commonly called birthright citizenship in the 14th amendment.”
 - a. What do you believe the meaning, application, and scope of birthright citizenship to be?

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

- b. At least four district court judges have granted nationwide preliminary injunctions in challenges to President Trump’s Executive Order, “Protecting the Meaning and Value of American Citizenship.” Do you believe that the federal government is bound by these preliminary injunctions?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case. Given that I will likely be part of the litigation you are referring to, it would be

inappropriate for me to opine on what I believe about this particular cases or procedural postures.

3. On March 19, 2021, you wrote, “January 6 provided the pretext that the government, media and Democratic Party needed to drum up paranoia about white-nationalist domestic terrorism.”

- a. Do you believe white nationalist domestic terrorism poses a threat today?

RESPONSE: Racist ideologies are wrong and acts of racially or ethnically motivated violence should be appropriately investigated and prosecuted.

4. Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

RESPONSE: I do not believe it is appropriate to describe what happened on January 6, 2021 in the way this question is framed.

5. Do you believe that Donald Trump can lawfully serve a third term as president?

RESPONSE: Not without a constitutional amendment permitting more than two terms.

6. Did Joe Biden win the 2020 presidential election?

RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

7. In 2019 at the Texas Gala for Life, you stated, “I will always oppose any legislation that doesn’t recognize the newly conceived child as fully human deserving of all of the legal protections that you and I enjoy.”

- a. Do you oppose laws that allow for abortions to save the life of the mother?

RESPONSE: If I am confirmed, I will follow the Constitution and laws of the United States of America.

8. Justice Kavanaugh’s concurrence in *Dobbs v. Jackson Women’s Health Organization* stated that “the constitutional right to interstate travel” would prohibit a state from barring “a resident of that State from traveling to another State to obtain an abortion.”

- a. Do you agree with these statements from Justice Kavanaugh’s concurrence?

RESPONSE: I have not had the occasion to review any opinion on this subject. If I am confirmed, decisions with respect to the applicability of any federal law will be made only after careful consideration of the relevant facts and law.

9. On May 30, 2020, you tweeted, “Bring the troops home. Then deploy them at home.”
- a. Under what circumstances, if any, is it lawful to deploy the military “at home”?

RESPONSE: All military officers swear an oath to “support and defend the Constitution of the United States against all enemies, foreign and domestic.” If I am confirmed, I will follow the Constitution and laws of the United States of America.

10. On February 23, 2023, Texas Ranger David Maxwell said the following about you and Brent Webster to investigators in the impeachment proceedings against Texas Attorney General Ken Paxton: “those two individuals, there have been many complaints of sexual harassment by the female employees up on the eighth floor. Most all of them have left. And their complaints were varied. You know, they’re so misogynistic it’s incredible how blatant they are about it and how openly sexual they are in talking around their female employees. And I know this because I have people that worked on the floor who were telling me what was going on, but you can’t find the complaints.”

- a. Yes or no: Did you sexually harass any employees of the Texas Attorney General’s Office?

RESPONSE: No.

- b. Yes or no: Did you make any comments of a sexual nature in front of any employees of the Texas Attorney General’s Office?

RESPONSE: No.

- c. To the best of your knowledge, to what was David Maxwell referring?

RESPONSE: I don’t know.

11. Did you personally remove or direct someone to remove Judge Kacsmaryk’s name from a draft of the law review article, “The Jurisprudence of the Body”?

RESPONSE: I stand by my April 2023 statement that I initially provided to the Washington Post when they cited an anonymous source claiming I had done this: “The Texas Review of Law & Politics received a draft of [the article] from the First Liberty Institute, where now Judge-Kacsmaryk was our chief point of contact during much of the editing and cite-checking process. [Mr.] Kacsmaryk was the placeholder until final authors were named by First Liberty. Because of their work on the article, Mr. Butterfield and Ms. Taub rightfully received credit as authors.” At no point did I or the dozens of other editors on the Review engage in the conduct describe by the anonymous source. Had engaging in unethical conduct or practices contrary to best academic standards even been suggested, I would have shut it down. I am proud that members of my editorial board submitted a letter of support to this Committee saying: “As Editor in Chief, Aaron

led a team of 60 student editors to select, edit, cite-check, refine, publish, and distribute nearly 20 scholarly articles across three issues of the *Review*. He did so with an unimpeachable adherence to academic and legal ethics and best practices.”

12. In 2018, you stated in a promotional video for the James Wilson Institute on Natural Rights and the American Founding, “just because a legislature passes a law according to the proper procedures...that doesn’t necessarily make it legal. What makes a law legal is its alignment with the natural law.”

a. What is “natural law”?

RESPONSE: What I mean here is consistent with what Martin Luther King, Jr. described in his 1963 Letter from a Birmingham Jail, which reads, in short, “There are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ‘an unjust law is no law at all.’”

b. Do you believe that laws properly passed by the legislature have the force of law regardless of whether they accord with “natural law”?

RESPONSE: The facts and circumstances are too numerous and variable for me to answer this question with any specificity.

c. Will you act in accordance with and enforce laws that you might believe conflict with “natural law”?

RESPONSE: I am committed to following the Constitution and all federal and applicable state laws.

13. You participated in the John Jay Institute’s fellowship.

a. The John Jay Institute website lists among its principles, “Notions of human autonomy...are antithetical to the common good and to the American founders’ vision of a virtuous republic.” Yes or no: do you agree with this statement?

RESPONSE: A thorough exposition of the context in which this statement is made is necessary for me to answer with precision. Since no context is provided, I am unable to answer the question.

b. The institute also lists as a principle, “The state is...limited by the existence of the social institutions of family, church, and society, which have their own delineated spheres of authority and independent jurisdictions.” Yes or no: do you agree with this statement?

RESPONSE: A thorough exposition of the context in which this statement is made is necessary for me to answer with precision. Since no context is provided, I am unable to answer the question.

Senate Judiciary Committee
Hearing on the Nomination of Aaron Reitz
to be Assistant Attorney General for the Office of Legal Policy
February 26, 2025
Questions for the Record
Senator Amy Klobuchar

In a tweet on March 30, 2020, you publicly called for defiance of a court order in response to a 2020 court decision that blocked Texas from closing abortion clinics, tweeting “Looking for some Andrew Jackson-level leadership on this one. ‘Judge Yeakel has made his decision. Now let him enforce it.’”

When asked about the tweet during your hearing you would not affirm a basic principle of our system of checks and balances; that the executive branch is bound to follow judicial orders.

Chief Justice John Roberts wrote in his most recent end-of-year report that disregarding federal court rulings is “dangerous” and “must be soundly rejected.”

- How do you reconcile your views that government officials could refuse to comply with a court order with the Chief Justice’s warning?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court’s jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

Nomination of Aaron Reitz to be Assistant Attorney General for the Office of Legal Policy
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR COONS

1. Who does the Department of Justice’s Office of Legal Policy work for?

RESPONSE: The Office of Legal Policy is a component of the Department of Justice and is accountable to the Attorney General and Deputy Attorney General.

2. In a memo issued to Department of Justice personnel on her first day in office, Attorney General Bondi referred to the Department’s attorneys as the President’s lawyers.

- a. Do you agree with that characterization of Department of Justice attorneys?

RESPONSE: The Attorney General’s memo explained that the job of Department attorneys is to defend the interest of the United States. “Those interests, and the overall policy of the United States, are set by the Nation’s Chief Executive, who is vested by the Constitution with all ‘[E]xecutive Power.’” I agree with this description of the responsibilities of Department attorneys.

- b. If confirmed, would you consider yourself President Trump’s lawyer?

RESPONSE: Please see my response above to Question 2(a).

3. As a Justice Department lawyer, when is it appropriate to refuse to follow a directive of the President?

RESPONSE: President Trump will not issue a directive that is unlawful.

4. How would you respond if your role at the Department of Justice required you to follow a policy directive that was unconstitutional?

RESPONSE: I reject that premise. If confirmed, I will always uphold my oath to support and defend the Constitution and I would follow the law.

5. When is it appropriate for the Department of Justice to decide not to defend a federal law?

RESPONSE: The Department has discretion under such circumstances consistent with the priorities of the duly elected President of the United States and the Attorney General.

6. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

RESPONSE: Regularly scheduled presidential elections.

7. Dozens of President Trump’s executive actions have been blocked by federal courts in the past few weeks.

a. To your knowledge, has the administration complied with those court orders?

RESPONSE: I have not followed the procedural progress of these cases.

b. Do you think the administration is required to comply with court orders?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court’s jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

8. On March 30, 2020, in response to a decision by a federal district court judge that you disagreed with, you tweeted: **“Looking for some Andrew Jackson-level leadership on this one. ‘Judge Yeakel has made his decision. Now let him enforce it.’”**

a. What did you mean by that statement?

RESPONSE: As I explained during my confirmation hearing, this statement reflects a mainstream jurisprudential view reflecting a more limited, cabined view of federal courts’ reach.

9. During your confirmation hearing, you said: “There is no hard and fast rule about whether in every instance a public official is bound by a court decision.” You went on to say: “There are some instances in which he or she may lawfully be bound and other instances in which he or she may not lawfully be bound.”

a. What are the “instances” in which a federal litigant “may not lawfully be bound” by an order from a federal court?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court’s jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

b. If you were representing a client in federal court, in what “instances” would you advise them not to adhere to an order from a federal judge?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

10. In May 2020, you posted to Twitter that your “idea for a Second Step Act” was to “repeal most of the First Step Act.” The *First Step Act*, signed by President Trump, passed the Senate by an overwhelmingly bipartisan 87-12 vote.

a. Do you think the *First Step Act* should be repealed? Why?

RESPONSE: If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

b. If Attorney General Bondi's view on criminal justice reform and your view on criminal justice reform conflict, whose vision carries the day?

RESPONSE: If confirmed, I would work to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi.

c. If President Trump's view on criminal justice reform and your view on criminal justice reform conflict, whose vision carries the day?

RESPONSE: Please see my response above.

11. In August 2020 and January 2021, you posted on Twitter that you support banning TikTok in the United States. Congress agreed with you—we passed a law by large bipartisan majorities that forces the sale of TikTok. The Supreme Court upheld the law in a 9-0 decision. Nevertheless, the Trump administration has refused to comply with the law; President Trump has paused enforcement without making any of the findings required by statute.

a. Does Donald Trump have the constitutional authority to choose which of Congress's laws he complies with and which he does not?

RESPONSE: The President has unique constitutional responsibility for the national security of the United States, the conduct of foreign policy, and other vital executive functions. He also has the authority, vested in him by the Constitution and the laws of the United States of America, to issue an Executive Order in which case he did here.

- c. Do you still think TikTok should be banned in the United States?

RESPONSE: As this is the subject of ongoing litigation, it would be inappropriate for me to comment on whether TikTok should be banned in the United States. I am committed to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi

- d. Do you think any other social media platforms should be banned in the United States?

RESPONSE: I have no opinion on this matter at this time.

- 12. During your nomination hearing, I was heartened that you said, with respect to judicial confirmations, your role “necessarily means working collaboratively with the Judiciary Committee as well as individual home-state senators.”

- a. What kind of collaboration with home-state senators will you pursue with respect to federal circuit judges?

RESPONSE: I understand that this process has several components. Generally, the administration and home-state senators will discuss potential nominees. For those nominees, the administration and home-state senators may review materials, including briefing, law review articles, and other available work product. The process can also include interviews of candidates. It can also involve discussing the potential nominee with colleagues and opposing counsel.

- b. Do you support maintaining the blue slip tradition for federal district court judges?

RESPONSE: I understand the value of the blue slip process in helping to ensure that the equities of home state Senators are given due deference in the President's selection of nominees. Although there have been some differences in the blue slip tradition over the years, it's a chairman's prerogative to decide how the process applies. Senate Judiciary Committee Chairman of both parties have consistently respected the blue slip process, and I have no reason to believe this administration would argue for change in this important tradition.

- c. Do you support maintaining the blue slip tradition for United States Attorneys?

RESPONSE: See my answer above.

- d. Do you support maintaining the blue slip tradition for United States Marshals?

RESPONSE: See my answer above.

- e. Would you oppose efforts by the Senate to advance nominees for federal district court judgeships, U.S. Attorneys, and U.S. Marshals if those nominees do not receive affirmative blue slips from both home-state senators?

RESPONSE See my answer above.

13. Bloomberg Law reported on September 17, 2024, that, on August 6, 2024, you appeared before a federal grand jury investigating Texas Attorney General Ken Paxton.

- a. Did you appear before a federal grand jury on August 6, 2024?

RESPONSE: Yes.

- b. Did you testify pursuant to a subpoena?

RESPONSE: Yes.

- c. Did you receive any criminal immunity in exchange for testifying before the grand jury?

RESPONSE: No.

- d. Please describe the information you provided to the grand jury.

RESPONSE: The federal investigation and litigation related to both federal and state matters involving Attorney General Paxton remain ongoing. As such, I believe it would be inappropriate for me to share underlying testimony.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | February 26, 2025
Questions for the Record for Aaron Reitz

Did Donald Trump lose the 2020 presidential election?

RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

If you ever face a conflict between your duties to the Constitution and a request from the President, how will you resolve that conflict?

RESPONSE: In every case when determining whether the Department of Justice would defend the constitutionality of a federal law or challenge the constitutionality of a state law, I would consult with appropriate officials within the Department including the Solicitor General, evaluate the text of the law at issue, and consider the relevant precedents of the Supreme Court. As I stated at my hearing, I will pursue the President's and the Attorney General's agenda with energy, impartiality, independent thinking, and faithfulness to the Constitution and all federal laws.

If President Trump ever directs, asks, or implies that you should take an action that is unconstitutional, would you do it?

RESPONSE: I would not have accepted the nomination to serve as Assistant Attorney General if I believed President Trump would ask me to do this.

If a President takes executive action, and a court later rules that action is unconstitutional, is it ever permissible for a President to disregard the court's order? If your answer is yes, please explain in what circumstances you believe the President is permitted to take an action despite the court having ruled that action unconstitutional.

RESPONSE: If, in this hypothetical, the matter has been appealed to the Supreme Court, I would regard its decisions as legitimate and the law of the land. As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation's system of government. As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

During the 2023 impeachment proceedings against Texas Attorney General Ken Paxton, a Texas Ranger testified about your employment and behavior while working for the Texas Attorney General's office. He stated, "there have been many complaints of sexual

harassment by the female employees up on the eighth floor. Most all of them have left. And their complaints were varied.” The following questions refer to your time working with or advising Attorney General Paxton:

- a. **Did you, at any point, work on the eighth floor of the Price Daniel Sr. State Office Building (hereafter, “the eighth floor”)? If so, during what dates?**

RESPONSE: Yes, I worked on the eighth floor during the entirety of my time at the Office of the Attorney General of Texas (OAG), which began in October 2020 and ended in May 2023.

- b. **If your office was never located on the eighth floor, did you ever visit the eighth floor to talk to any superiors, coworkers, or employees under your supervision?**

RESPONSE: My office was located on the eighth floor.

- c. **Approximately how many female employees worked for you on the eighth floor in November 2020?**

RESPONSE: The eighth floor is usually comprised of around 20 employees. It is a mix of OAG’s most senior staff, including the Attorney General himself, and their executive assistants. In November 2020, 10 of the 20 (50%) members on the eighth floor were female. Only one female on the eighth floor reported to me at this time.

- d. **Approximately how many female employees worked for you on the eighth floor in April 2023?**

RESPONSE: In April 2023, 11 of the 21 (52%) members of the eighth floor were female. Two female employees on the eighth floor reported to me at this time.

- a. **Approximately how many female employees worked with you on the eighth floor in November 2020?**

RESPONSE: The eighth floor is usually comprised of around 20 employees. It is a mix of OAG’s most senior staff, including the Attorney General himself, and their executive assistants. In November 2020, 10 of the 20 (50%) members on the eighth floor were female. I worked for many hours a week with all of them. And I’m proud that many joined my letter of support to the Committee affirming that I am “trustworthy, honest, faithful, dependable, humble, and upright...a consummate professional...a fundamentally good and decent man who treats everyone fairly and with dignity.”

- e. **Approximately many female employees worked with you on the eighth floor in April 2023?**

RESPONSE: In April 2023, 11 of the 21 (52%) members of the eighth floor were female. Two female employees reported to me at this time. I worked for many hours a week with them. And I'm proud that they joined my letter of support to the Committee affirming that I am "trustworthy, honest, faithful, dependable, humble, and upright...a consummate professional...a fundamentally good and decent man who treats everyone fairly and with dignity."

- f. **At any point, did any individual ask you to stop engaging in sexual harassment in the workplace?** If so, describe the circumstances in detail and how the complaint was addressed. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

- a. **At any point, were you made aware of any complaint against you for sexual harassment of any kind?** If so, describe the circumstances in detail and how the complaint was addressed. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

- a. **At any point, did you discuss sexual harassment allegedly committed by you with any person?** If so, describe the circumstances and substance of the conversation.

RESPONSE: In August 2023, when the Dallas Morning News reprinted Mr. Maxwell's unsworn, disproven references to complaints about me, I conferred with an attorney and the OAG's Human Resources Division in preparing a statement, which the Dallas Morning News included in its article.

- g. **Have you ever received any training on sexual harassment? If so, please describe when and in what context(s) you received such training.**

RESPONSE: I have received sexual harassment training on a nearly annual basis since I was 18 years old. First, as required training in Texas A&M's Corps of Cadets. Then as an annual training requirement for the U.S. Marine Corps, for which I've served on both active and reserve duty for nearly 15 years. I also underwent extensive training as both an employee of OAG and the U.S. Senate.

2. The same Texas Ranger referenced in question 1 testified that you and another employee were "so misogynistic it's incredible how blatant [you] are about it and how openly sexual [you] are in talking around [your] female employees." The following questions refer to any time since you became a legal adult:

- 1. Have you ever discussed subjects of a sexual nature in the presence of female employees or coworkers?**

RESPONSE: As an attorney, I have sometimes discussed matters related to abortion, LGBTQIA+ matters, and the like with other professionals in a professional manner and in a professional environment insofar as they concern ongoing litigation or investigations. But I have never discussed prurient or salacious matters in the presence of female employees or coworkers.

- 2. At any point, have you become aware that you have made any individual female employee that you have worked with uncomfortable because of your sexual behavior or conversation?** If so, describe the circumstances. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

- 3. To your knowledge, have you ever been the subject of a harassment complaint?** If so, describe the circumstances. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

Do you agree that America is a country built by immigrants?

RESPONSE: America is a country built by settlers and frontiersmen, and later supplemented by immigrants. America is entitled to—and indeed must—rigorously enforce our immigration laws, including those precluding unlawful entry.

The birthright citizenship clause of the Fourteenth Amendment reads, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” The phrase “subject to the jurisdiction thereof” undoubtedly limited the applicability of birthright citizenship in the case of, for example, children of foreign diplomats, as those diplomats enjoy diplomatic immunity.

What is your understanding of the meaning of the word “jurisdiction” in the aforementioned clause?

RESPONSE: If confirmed, I will consider this question as necessary and appropriate and in consultation with officials within the Department of Justice.

What factors does a court consider when determining if it has jurisdiction over a person?

RESPONSE: If confirmed, I will this consider this question as necessary and appropriate and in consultation with officials within the Department of

Justice. As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship.

You tweeted on April 28, 2021, “Friendly reminder that ‘birthright citizenship’ is not a thing.” **What did you mean by this statement?**

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

Does your statement apply to children born to U.S. citizens? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to legal permanent residents? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to those on temporary visas? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to undocumented immigrants? If not, why not?

RESPONSE: Please see response above.

In *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the Supreme Court ruled that a child born to Chinese immigrants, who were ineligible to naturalize at the time, was still entitled to birthright citizenship.

Do you accept the Supreme Court’s reasoning in that case that it is “impossible to construe the words ‘subject to the jurisdiction thereof’ in the opening sentence [of the 14th Amendment] as less comprehensive than the words ‘within its jurisdiction?’” Is this reasoning still good law? If not, why not and what case do you believe has overturned or abrogated it?

RESPONSE: Consistent with the past practice of nominees to serve as Assistant Attorney General, I believe it would be inappropriate for me to comment on ongoing litigation.

Do you accept the Supreme Court's reasoning in that case that “[e]very citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States?” Is this reasoning still good law? If not, why not and what case do you believe has overturned or abrogated it?

RESPONSE: Please see response above.

In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court favorably cited to *Wong Kim Ark* and emphasized that the “protection of the Fourteenth Amendment extends to anyone, citizen or stranger, who is subject to the laws of a State, and reaches into every corner of a State’s territory.” This reasoning expressly includes those whose “initial entry into a State, or into the United States, was unlawful.”

Do you agree with the Supreme Court’s reasoning in *Plyler*? If not, why not?

RESPONSE: As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation’s system of government. I regard its decisions as legitimate and the law of the land.

Does *any* president ever have the authority to issue an executive order taking an action directly contrary to binding Supreme Court precedent?

RESPONSE: This is a hypothetical that, without more specificity, I cannot answer with precision. As I said during my confirmation hearing, whether or not a public official must comply with a Supreme Court decision depends on particular facts and circumstances.

Does *any* president ever have the authority to unilaterally remove any part of the Constitution?

RESPONSE: No. Article V of the U.S. Constitution lays out the process of proposing and ratifying an amendment.

What is your view of the “Me Too” movement?

RESPONSE: I believe it raised awareness of an important issue.

Is there a constitutional right to interstate travel?

RESPONSE: In *Saenz v. Roe*, 526 U.S. 489 (1999), the Supreme Court held that “the right to go from one place to another, including the right to cross state borders while en route . . . was vindicated in *Edwards v. California*, 314 U.S. 160 (1941) . . . [and] reaffirmed . . . in *United States v. Guest*, 383 U.S. 745 (1966).”

Is the right to contraception protected by the Constitution?

RESPONSE: *Griswold v. Connecticut* and *Eisenstadt v. Baird* are precedent of the Supreme Court and are due respect as such.

Is the Comstock Act still good law?

RESPONSE: I have not had occasion to study the Comstock Act or related case law. If I am confirmed, decisions with respect to the applicability of federal law will be made only after careful consideration of the relevant facts and law.

If so, which portion(s) of the Act remain in effect?

RESPONSE: Please see my response above.

Please explain the legal basis for your answer(s) to part a of this question.

RESPONSE: Please see my response above.

Please explain the effect, if any, of the Supreme Court's decisions in *Roth v. United States*, 354 U.S. 476 (1957), and *Griswold v. Connecticut*, 381 U.S. 479 (1965), on the continuing validity of the Comstock Act.

RESPONSE: Please see my response above.

Are there *any* limits to Presidential power?

RESPONSE: The President is bound by the terms of his oath, the Constitution, and applicable law.

If yes, what are the limits? Please explain the legal basis for your answer.

RESPONSE: See above.

Do you endorse the legal concept of fetal personhood?

RESPONSE: Given the likelihood of “fetal personhood” becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you believe that embryos in a petri dish created through the process of in vitro fertilization (IVF) should have the same rights as children?

RESPONSE: Given the likelihood of “fetal personhood” becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you believe that any employee in a fertility clinic should be subject to criminal charges, including murder charges, for discarding an embryo created through IVF?

RESPONSE: Given the likelihood of “fetal personhood” becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you support the right of a person to access IVF and other fertility treatments free from government interference?

On June 2, 2020, you tweeted, “All politics is subservient to religion, even if unwittingly.”

Do you support the concept of separation between church and state? If your answer is anything other than “yes”, please explain your answer.

RESPONSE: The Supreme Court has explained in *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), that the First Amendment’s Establishment Clause and Free Exercise Clause “have complementary purposes, not warring ones.” Likewise, the Court has provided guidance that an “interest in separating church and state ‘more fiercely’ than the Federal Constitution” is not a compelling governmental interest “in the face of the infringement of free exercise.” *Espinoza v. Montana Department of Revenue*, 591 U.S. 464, 484-85 (2020). These opinions are binding precedent of the Supreme Court and are entitled to respect as such.

**Nomination of Aaron Francis Reitz to be the Assistant Attorney General
for the Office of Legal Policy (OLP) of the U.S. Department of Justice
Questions for the Record
Submitted February 27, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In your opinion, is involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

2. In your opinion, is involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

RESPONSE: Please see answer to the previous question.

3. In your opinion, is political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

RESPONSE: Please see answer to the previous question.

4. On January 21, 2025, Acting Deputy Attorney General Bove sent a memo to all DOJ employees indicating that DOJ would prosecute state and local actors who “do not comply with the Executive Branch’s immigration enforcement initiatives.”¹ The memo also announced the creation of the so-called “Sanctuary Cities Working Group,” tasked with identifying “state and local laws, policies, and activities that are inconsistent with Executive Branch immigration initiatives and, where appropriate, to take legal action to challenge such laws.”²
 - a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and the dates of your involvement. Please provide the names of the other individuals who participated in its drafting.

¹ Mem. from Acting Dep. Att’y Gen. Emil Bove to all Dep’t of Justice Employees, *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement* (Jan. 21, 2015), <https://www.documentcloud.org/documents/25501154-doj-all-staff-memo-jan-21/>.

² *Id.*

RESPONSE: No.

- b. Did you have any knowledge that DOJ was drafting this memo before it was sent to DOJ employees on January 21, 2025? If yes, please describe what you knew about the memo and how you learned of it. Please include the names of any individuals from whom you learned this information.

RESPONSE: No.

5. On January 31, 2025, dozens of career DOJ employees who worked on criminal cases stemming from the January 6 Capitol riot were fired.³
 - a. Who was involved in the decision to remove these officials? Please provide the names of the individuals involved.

RESPONSE: I do not know. It would be inappropriate for me to speculate further.

- b. Has anyone within DOJ ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

- c. Has anyone on the presidential transition team ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

- d. Has anyone in the White House ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

³ Kyle Cheney & Josh Gerstein, *DOJ Fires Dozens of Prosecutors who Handled Jan. 6 Cases*, POLITICO (Jan. 31, 2025), <https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904>.

- e. Has Kash Patel ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

6. On February 5, 2025, Acting Deputy Attorney General Emil Bove reportedly sent an email to FBI workforce accusing FBI leadership of “insubordination,” and indicating that FBI leadership’s refusal to submit a list of FBI agents involved in the January 6 Capitol riot investigations caused him to expand his demand for a list of all FBI employees involved in any January 6 riot-related matter.⁴
 - a. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Emil Bove? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: Yes, I have spoken with Acting Deputy Attorney General Bove on a few occasions about the staffing needs of the Office of Legal Policy, as well as the amenities available at the Justice Department gym.

- b. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Chad Mizelle? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: Yes, I have spoken with Chad Mizelle on a few occasions about the staffing needs of the Office of Legal Policy

- c. Have you ever discussed with Emil Bove, Chad Mizelle, or anyone else, FBI personnel involved in investigations related to the January 6 Capitol riot? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

7. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Acting U.S. Attorney for the District of Columbia Edward R. Martin, Jr.? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

⁴ Josh Gerstein, *Justice Department Official Defends Demand for FBI Agent Names, Cites ‘Insubordination’*, POLITICO (Feb. 5, 2025), <https://www.politico.com/news/2025/02/05/justice-department-memo-fbi-insubordination-00202655>.

8. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Kash Patel? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: I attended Kash Patel's swearing-in ceremony at the Eisenhower Executive Office Building but did not speak with him about anything of substance. I may have exchanged pleasantries and congratulations for his confirmation.

9. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with any person associated with DOGE? If yes, please provide the names of those involved and describe the mode, content, and dates of the communications.

RESPONSE: On February 27, 2025, DOGE representatives came and spoke to a gathering of Senate Chiefs of Staff and Staff Directors during our weekly lunch. I cannot remember the names of the representatives. They provided a brief overview of recent DOGE activities. I did not engage with any of them directly.

10. If President Trump directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

11. Do you believe President Trump has the authority to direct executive branch officials or employees to take an illegal action?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

12. If any official in the Department of Justice directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

13. If any member of the Administration directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

14. President Trump has said, “I have absolute right to do what I want to do with the Justice Department.”⁵ Do you agree? If not absolute, how much power do you believe the President has over the Department? If yes, please explain your legal reasoning.

RESPONSE: All federal officials are bound by the Constitution and applicable laws.

15. Do you believe that there was any basis for the Department of Justice’s investigations and prosecutions of President Trump?

RESPONSE: I have no reason to believe that President Trump has violated any of the laws that were the subjects of Special Counsel Jack Smith’s investigations.

16. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you had access to, or reviewed, DOJ investigation materials, information, or other potential evidence about specific individuals or investigations? Have you had access to or reviewed any confidential government materials, information, or other potential evidence about specific individuals or investigations?

RESPONSE: No.

1. If yes, please provide the date on which you accessed or reviewed those items and describe what you accessed or reviewed.

RESPONSE: Please see my response to Question 16.

2. If yes, have you discussed any of this information with current or former DOJ personnel, or anyone not associated with DOJ?

RESPONSE: Please see my response to Question 16.

17. Have you spoken or corresponded with Elon Musk since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024?

RESPONSE: No.

- a. If yes, provide the mode and content of all discussions and correspondences and the dates those discussions and correspondences occurred.

RESPONSE: Please see my response to Question 17.

⁵ Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. ‘Look Very Bad,’* N.Y. TIMES (Dec. 28, 2017), <https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html>.

- b. If yes, at any point, did you discuss with Mr. Musk DOJ or matters related to DOJ, including personnel matters?
 - i. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally?
 - ii. Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ?
 - iii. If yes to any of these questions, provide the content of those discussions and the dates those discussions occurred.

RESPONSE: Please see my response to Question 17.

- c. If yes, at any point, did you discuss with Mr. Musk federal judicial vacancies? If yes, please provide the content of those discussions and the dates those discussions occurred.

RESPONSE: Please see my response to Question 17.

- 18. Did you ever speak with President Trump or anyone associated with him or his presidential campaign about judicial vacancies during President Trump’s presidential campaign? Please provide the content of those discussions and the dates those discussions occurred.

RESPONSE: No.

- 19. Attorney General Bondi has instructed the Civil Rights Division to investigate, eliminate, and penalize “illegal DEI and DEIA preferences” in the private sector and in educational institutions that receive federal funds.⁶ Attorney General Bondi ordered the Civil Rights Division and Office of Legal Policy to submit a report that, among other things, lays out “proposals for criminal investigations and for up to nine potential civil compliance investigations of entities” engaged in illegal DEI and DEIA.

- a. Please provide your understanding of what “DEI” and “DEIA” mean.

RESPONSE: These acronyms are generally understood to refer to “Diversity, Equity, and Inclusion,” and “Diversity, Equity, Inclusion, and Accessibility.” I have not spoken with current employees of the Department regarding this report or what working definition they may be applying. As I understand the terms, DEI/DEIA generally refer to racial or ethnic preferences in admissions, hiring, or other employment-related decisions, including the use of race-based quotas.

- b. In your opinion, what differentiates legal DEI and DEIA from illegal DEI and DEIA?

⁶ *Supra* n.9.

RESPONSE: Discrimination on the basis of race is illegal and morally wrong, regardless of the race of the victim.

- c. Pursuant to what statutory authority could the DOJ conduct criminal investigations or prosecutions of entities that meet the criteria outlined in this memo or Executive Order 14173?

RESPONSE: I have not had the occasion to review the specific laws on this subject. If I am confirmed, decisions with respect to the statutory authority of investigations and the applicability of any federal law will be made only after careful consideration of the relevant facts and law.

- d. Do you believe that DEI initiatives to widen the pool of applicants for any private sector or public sector employment are legal? Please explain, in detail, why or why not.

RESPONSE: Please see my response to Question 19(c).

- e. Do you believe that DEI initiatives to widen the pool of applicants for military service are legal? Please explain, in detail, why or why not.

RESPONSE: Please see my response to Question 19(c).

- f. In your opinion, have you ever been denied or granted a professional opportunity because of DEI? If yes, please describe the circumstances of this incident.

RESPONSE: I do not know.

- g. Are you involved in or are you aware of any discussions or plans to pursue any specific private sector entities for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved in those discussions, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

- h. Are you involved in or are you aware of any discussions or plans to pursue any specific educational institutions that receive federal funds for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved in those discussions, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

20. Please provide your understanding of the Hatch Act. Do you believe that asking DOJ personnel their views about investigations or prosecutions to assess their political leaning would be a violation of the Hatch Act?

RESPONSE: In general, I understand that the Hatch Act prohibits government employees from engaging in certain types of political activities. In my career as a state official, attorney in private practice, and staff member in the Senate, I have not had occasion to consider the specific scenario you have raised. If confirmed, I would consult with relevant Department personnel and ensure the Department is complying with applicable legal obligations, including the Hatch Act.

21. During your confirmation hearing, you refused to answer whether or under what circumstances it would be justified for an elected official, such as President Trump, to defy a federal court order.

a. Under what circumstances would it be acceptable for an elected official to defy a federal court order?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

b. How can an elected official who defies a federal court order be held in contempt?

RESPONSE: Congress has given courts the authority to exercise their discretion to hold in contempt, by fine or imprisonment, certain conduct transgressing their lawful authority or orders. 18 U.S.C. 401(c).

c. Can you unequivocally state that elected officials must comply with federal court orders?

RESPONSE: Please see my response to Question 21(a).

22. During your confirmation hearing, I asked you whether you understood that Congress members would not feel confident knowing that you believe there are circumstances when an elected official may defy a court order. You answered that you understood that there would be some members of the Judiciary Committee who would have that perspective.

a. Please explain, in your view, why some members would be troubled by your opinion that an elected official may defy a court order.

RESPONSE: Please see my response to Question 21(a).

b. Are there members in particular who you were referring to? If yes, who?

RESPONSE: None in particular.

c. Who are the members that you implied share your view that an elected official may defy a court order?

RESPONSE: None in particular.

23. Please respond to the following questions in as much detail as possible.

a. What is your opinion of abortion? Are there any circumstances in which you believe a woman may have an abortion?

i. How do you define bodily autonomy?

RESPONSE: The majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States.

b. Do you believe that there are circumstances pursuant to which women, including minors, must share information about their menstrual cycle with government officials or law enforcement officials?

i. Under what circumstances is it appropriate for the government to compel women, including minors, to share information about their menstrual cycle?

RESPONSE: It is hard to envision this hypothetical ever coming to fruition. The majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States

c. What is your opinion of contraceptives and birth control? Are there any circumstances in which you believe a woman may use contraceptives and birth control?

RESPONSE: *Griswold v. Connecticut* and the majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States.

d. What is your opinion of gender-affirming care? If you oppose gender-affirming care, please explain why.

RESPONSE: Litigation regarding "gender-affirming" care is currently pending before the Supreme Court and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing

litigation. As a general matter, and as I have discussed at length in my prior professional work, I agree with President Trump's current policy against maiming and sterilizing children through irreversible medical interventions.

- e. Is it appropriate for school officials or sports coaches to verify the sex and gender of minor students? If yes, please describe how school officials or sports coaches would verify the sex and gender of minor students and how they could conduct such verifications in a manner that does not invite sexual abuse or traumatize young people.

RESPONSE: Litigation involving the participation of boys and men in women's sports is ongoing and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing litigation. As a general matter, and as I have discussed in other contexts, I agree with President Trump's current policy of protecting girls' and women's sports.

- f. What is your opinion of same-sex marriage?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

- g. What is your opinion of miscegenation?

RESPONSE: *Loving v. Virginia* is binding precedent of the Supreme Court and due respect as such.

- h. What is your opinion of racial discrimination?

RESPONSE: Racial discrimination is illegal and wrong, regardless of the race or ethnicity of the victim.

- i. Do you believe that there is racial discrimination in the private sector?

RESPONSE: Yes, unfortunately racial discrimination occurs in the private sector.

- ii. Do you believe that there is racial discrimination in the public sector?

RESPONSE: Yes, unfortunately racial discrimination occurs in the public sector.

- iii. Do you believe that there is racial discrimination in education?

RESPONSE: Yes, unfortunately racial discrimination occurs in education.

- i. What is your opinion of President Trump’s January 27, 2025 Executive Order directing the Department of Defense to exclude transgender people from military service?⁷

RESPONSE: Litigation involving the participation of transgender individuals in the U.S. military is ongoing and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing litigation. As a general matter, and as a current servicemember myself, I agree with President Trump’s current policy of promoting military readiness and focus on the mission.

- j. Do you agree with Secretary of Defense Hegseth that women should not serve in combat roles?

RESPONSE: If confirmed, I am committed to supporting the President’s and Secretary of Defense’s official positions on this matter.

24. Acting U.S. Attorney Ed Martin posted from the official X account of the United States Attorney’s Office for the District of Columbia: “As President Trumps’ lawyers, we are proud to fight to protect his leadership as our President and we are vigilant in standing against entities like the AP that refuse to put America first.”⁸

- a. Do you agree with Acting U.S. Attorney Ed Martin’s statement? Please explain why or why not.

RESPONSE: I am unfamiliar with Mr. Martin’s statements and have no basis to comment on them.

25. In 2015, you were a fellow in the Alliance Defending Freedom’s (ADF) Blackstone Legal Fellowship program. ADF has been designated a hate group by the Southern Poverty Law Center and has taken many anti-LGBTQ+ positions, including supporting the criminalization of same-sex consensual sexual acts,⁹ supporting the sterilization of transgender people,¹⁰ and opposing same-sex marriage and civil unions.¹¹

- a. Please describe the nature of the Blackstone Legal Fellowship Program. What activities did you perform as a Blackstone Legal Fellow?

⁷ Exec. Order No. 14183, 90 Fed. Reg. 8757 (Feb. 3, 2025).

⁸ U.S. Attorney DC (@USAO_DC), X (Feb. 24, 2025, 3:18PM), https://x.com/USAO_DC/status/1894119675786621225.

⁹ Brief in Support of Respondent on Behalf of Amici Curiae Texas Physicians Resource Council et. al., *Lawrence v. Texas*, 123 S.Ct. 2472 (2003) https://media.glaad.org/wp-content/uploads/2022/07/25195019/adf_amicusbrief_lawrence_v_texas-62d.pdf.

¹⁰ Alex Amend, Anti-LGBT Hate Group Alliance Defending Freedom Defended State-Enforced Sterilization for Transgender Europeans, SPLC (Jul. 27, 2017) <https://www.splcenter.org/resources/hate-watch/anti-lgbt-hate-group-alliance-defending-freedom-defended-state-enforced-sterilization/>.

¹¹ Adam Gabbatt, Well-Funded Christian Group Behind US Effort to Roll Back LGBTQ+ Rights, THE GUARDIAN (Jun. 19, 2023) <https://www.theguardian.com/world/2023/jun/19/alliance-defending-freedom-lgbtq-rights-america>.

RESPONSE: The Blackstone Legal Fellowship is a program during a law school summer during which ADF invites many guest speakers to talk to current law students of faith about legal theory and practice, professional skills, and service to God. It gathers some of the best and brightest law students from across the country and provides an opportunity to learn from leading legal scholars and practitioners. My experience was only positive, and nothing in my experience uncovered discrimination.

b. Do you believe that same-sex consensual sexual acts should be criminalized?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and due respect as such.

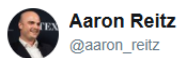
c. Do you believe that transgender people should be sterilized?

RESPONSE: No. I agree with President Trump's current policy against maiming and sterilizing children through irreversible medical interventions.

d. Do you believe that same-sex marriage should be illegal?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

26. On June 26, 2021, you compared the Supreme Court's decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015), to the Supreme Court's ruling in *Dred Scott v. Sanford* and called the Court's ruling in *Obergefell* a "low point in SCOTUS history."



Aaron Reitz
@aaron_reitz

Follow

Until then, a low point in SCOTUS history, exceeded only by the "indisputably wrong and preposterous" (Alito) Bostock.

As @TXAG said to Biden in early Mar, Obergefell is just one "iteration in a long line of activist, anti-const SCOTUS opinions like" Dred Scott, Roe, and PP.

HISTORY @HISTORY

On #ThisDayInHistory in 2015, the Supreme Court announced its decision in Obergefell v. Hodges. By one vote, the court ruled that same-sex marriage cannot be banned in the United States and that all same-sex marriages must be recognized nationwide. [history.com/news/supreme-c...](https://www.history.com/news/supreme-c...)

2:22 PM - 26 Jun 2021

a. Is *Obergefell v. Hodges* binding precedent? If no, why?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

b. Do you believe that *Obergefell* was wrongly decided? If yes, why?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

c. Supreme Court Justice Antonin Scalia wrote a dissenting opinion in *Obergefell v. Hodges*. Do you agree with the reasoning in Justice Scalia's dissenting opinion?

RESPONSE: The majority opinion in *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

27. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? If no, why?

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case? If no, why?

RESPONSE: *Griswold v. Connecticut* is binding precedent of the Supreme Court and entitled to respect as such.

28. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? If no, why?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case? If no, why?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

29. Have you ever been demoted, terminated, or experienced any other adverse employment action?

RESPONSE: No.

a. If yes, please describe the events that led to the adverse employment action.

b. If no, please affirm that you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

RESPONSE: I affirm that the above statement is true.

30. For each legal position below, please provide the reason for your departure.

<i>Employer</i>	<i>Title</i>	<i>Dates of Employment</i>	<i>Reason for Departure</i>
Jones Day	Summer Associate	May–July 2015	End of summer job; return for school semester.
Bracewell LLP	Summer Associate	July–Aug. 2016	End of summer job; return for school semester.
Norton Rose Fulbright US LLP	Summer Associate	May–June 2016	End of summer associate job; beginning of a second summer job.
Bracewell LLP	Associate Attorney	Sep. 2017–Jan. 2018	Started position as a law clerk to Justice Jimmy Blalock on the Texas Supreme Court
Cobb & Counsel	Associate Attorney	May 2019–Dec. 2019	Moved to a firm with a different set of practice areas while running for State Representative.

Cleveland Terrazas PLLC	Associate Attorney	Dec. 2019–Aug. 2020	After losing my race for State Representative, my family and I began plans to move back to my and my wife's hometown of San Antonio.
Jefferson Cano	Associate Attorney	Aug. 2020–Sep. 2020	Offered a position on the executive team at the Texas Attorney General's Office.

31. Have you ever been accused of sexual assault or harassment? If yes, please describe the nature of these allegations.

RESPONSE: No.

32. Have you ever been disciplined for sexual assault or harassment? If yes, please describe the nature of the discipline.

RESPONSE: No.

33. In November 2020, you tweeted:



Aaron Reitz
@aaron_reitz

Folgen



This is correct. The left's psychological operations against the American people has reached full fruition. And those on the right parroting "President-elect Biden" etc. have proven themselves to lack the mental fortitude to lead us anywhere worth going.

D.E. @tkdylan

Antwort an @davereaboi @RMillennielle

They're wearing us down. Every tweet that says "President-elect" or acknowledges Biden as the definitive victor, it's relentless gaslighting.

09:18 - 8. Nov. 2020

- a. To whom were you referring when you referenced "those on the right" who "lack[ed] the mental fortitude: for leadership?"

RESPONSE: I do not recall.

- b. Please describe what you meant by "the left's psychological operations against the American people" and provide examples.

RESPONSE: I do not recall.

34. While in law school, you worked as a Koch Summer Fellow with the Texas Public Policy Foundation's Center for Tenth Amendment Action.

- a. Please describe the work you performed as a Summer Fellow.

RESPONSE: As a Summer Fellow, I worked with the Texas Public Policy Foundation's litigation center to assist with litigation matters in collaboration with their attorneys.

- b. How did the views of staff at the Center for Tenth Amendment Action compare to your own views of the Tenth Amendment?

RESPONSE: I am not aware of the views of all the staff members at the Foundation or the Center for Tenth Amendment Action. As a general matter, I agree with what I understand to be the Foundation's overarching view: fidelity to the U.S. Constitution.

35. In March 2020, you called for disobeying a federal court order after a U.S. District Court Judge temporarily blocked Texas from closing abortion clinics as a response to the state's COVID-19 outbreak.

9.



During your confirmation hearing, you refused to answer whether or under what circumstances it would be justified for an elected official, such as President Trump, to defy a federal court order.

- a. Under what circumstances would it be acceptable for an elected official to defy a federal court order? Please provide specific examples.

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

- b. Can you unequivocally state that elected officials must comply with federal court orders?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

- c. Can you unequivocally state that elected officials must be held in contempt for defying federal court orders?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

36. Do you aspire to serve as an Article III judge?

RESPONSE: It would be an honor to be considered for such a post, but my aspiration right now is to serve faithfully as the Assistant Attorney General over the Justice Department's Office of Legal Policy.

- a. Have you ever spoken to anyone about becoming an Article III judge?

RESPONSE: I am sure that the topic has arisen in casual conversation, but beyond that, no.

37. If you are confirmed to be the Assistant Attorney General of OLP, you will oversee the vetting of nominees for the federal judiciary and executive branch appointees.

- a. Will you require a FBI background investigation for each nominee?

RESPONSE: If confirmed, I will consult with colleagues and educate myself on the best traditions of the Department when it comes to vetting of potential Judicial nominees.

- b. Do you believe that it is relevant whether a judicial nominee owns a firearm?

RESPONSE: I do not believe in litmus tests for potential judicial nominees.

- c. Do you believe that it is relevant whether a judicial nominee has ever lived abroad?

RESPONSE: I do not believe in litmus tests for potential judicial nominees.

- d. Do you believe that credible allegations of sexual harassment or sexual assault are disqualifying for a nominee?

RESPONSE: Allegations of sexual harassment, assault, or other misconduct are appropriate subject for vetting. Ultimately determinations of credibility are up the President and the Senate as part of the judicial confirmation process.

- e. What would you do to receive information alleging that a nominee had committed sexual harassment or sexual assault?

RESPONSE: Allegations of sexual harassment, assault, or other misconduct are appropriate subject for vetting. Ultimately determinations of credibility are up the President and the Senate as part of the judicial confirmation process.

- f. Would it be disqualifying for a nominee to have an alcohol or substance abuse problem?

RESPONSE: I do not believe in litmus tests for potential judicial nominees, but substance abuse disorder could be indicative of a lack of fitness to serve.

- g. Do you believe that judges at any level may accept gifts of significant value? What if the gifts are from a person or entity with business before that court? Is there any scenario under which it would be inappropriate for a judge to accept a gift?

RESPONSE: Rules concerning gifts for the federal judiciary are set by statute and, in the case of the Supreme Court, by the Justices of the Supreme Court.

- h. During your tenure as a staff member for a Senator on the U.S. Senate Judiciary Committee, did you ever encounter a nominee accused of sexual harassment or sexual assault and what did you do?

RESPONSE: No.

38. You have called for the repeal of most of the First Step Act, landmark bipartisan legislation passed by a Republican-controlled Senate and signed into law by President Trump in 2018.



Aaron Reitz
@aaron_reitz

Follow



My idea for a 2nd Step Act:

- Repeal most of the 1st Step Act,
- Designate Antifa a domestic terror org,
- Smoke them & *all affiliates* out, prosecute & crack down,
- Increase penalties for rioting, inciting riots/violence, looting, etc.,
- Double penalty if "" done w a mask.

9:09 PM - 30 May 2020



- a. Do you believe that law, or portions of it, should be repealed? If yes, which parts of the law would you repeal? Please explain your reasoning.

RESPONSE: If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

- b. If confirmed, would you undermine Attorney General Bondi's promise to "fix the Bureau of Prisons and follow through on the promise of the First Step Act"?

RESPONSE: If confirmed, I would work to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi.

c. If confirmed, which steps would you take to undermine the First Step Act?

RESPONSE: Please see the above answer.

d. Do you believe that society is better off by incarcerating people who have used drugs or illicit substances?

RESPONSE: Fentanyl and other narcotics have devastated families and communities all across our country. If confirmed, I would work with colleagues in the Department to ensure the most effective criminal enforcement response to address that devastation.

e. Do you believe that criminal laws that do not reduce crime or improve public safety, but instead impose long sentences that do not rehabilitate those sentenced under the laws may be reviewed and amended by Congress when appropriate?

RESPONSE: It is the prerogative of Congress to authorize minimum and maximum penalties for criminal violations.

39. In April 2021, you wrote that “there is no question in my mind that [Derek] Chauvin is not guilty” for the murder of George Floyd.



Aaron Reitz
@aaron_reitz

Follow

No question in my mind that Chauvin is not guilty.

The left wing, race-grievance-fueled riots all over the country will be INSANE.

Deploy the military to every major American city in preparation. The bluer the city, the stronger the force.

2:52 pm - 7 Apr 2021

a. Did you watch the video of George Floyd’s murder?

RESPONSE: Yes.

b. Please describe in detail the events depicted in the video.

RESPONSE: It has been several years since I’ve seen the video and therefore cannot describe it in detail.

- c. In your opinion, did police officers involved in George Floyd's murder do anything wrong?

RESPONSE: A jury found Officer Chauvin guilty. It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

- d. In your opinion, was Derek Chauvin's conduct when he kneeled on George Floyd's neck for 9 minutes and 29 seconds an appropriate use of force? If yes, please explain why.

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

- i. Do you believe this was an appropriate use of force when considering Mr. Floyd said he was unable to breathe 27 times during that period of time?

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

- ii. Do you believe this was an appropriate use of force when considering bystanders were warning Chauvin that Mr. Floyd couldn't breathe?

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

- e. Are chokeholds a deadly use of force?

RESPONSE: No.

- f. Should the use of a chokehold be limited to incidents where the person posed a danger to law enforcement officers or others? If no, why?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

- g. Should law enforcement officers be allowed to use a chokehold against a person who poses no danger to the officer or others?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

- h. Should officers be allowed to use a chokehold against a person suspected of a petty offense who poses no danger to the officer or others?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

- i. Should police officers be able to use retaliatory force? If yes, under what circumstances? Please provide examples.

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

40. Following Attorney General Ken Paxton's impeachment and subsequent acquittal in the Texas Senate, several whistleblowers were fired. These whistleblowers argued their terminations were retaliation for reporting Paxton to law enforcement.¹²

- a. Please describe your role in investigating the whistleblowers' allegations.

RESPONSE: The timing in this question is incorrect. No one was terminated after any stages of Attorney General Paxton's impeachment proceedings in 2023. Rather, after several so-called whistleblowers accused Attorney General Paxton of various crimes in September/October 2020, some resigned on their own accord and others were lawfully terminated for cause. The decisions to terminate some of these individuals for cause was made in close collaboration between the Agency's executive leadership staff, the Human Resources Division, General Counsel, and legal ethics counsel. As for my role in investigating the so-called whistleblowers allegations, I assisted in reviewing available documents, providing legal recommendations, and drafting an internal report about what happened.

- b. Why, in your opinion, were the whistleblowers fired from the Texas Attorney General's office?

RESPONSE: The former employees were lawfully fired for cause, which is reflected in both publicly available litigation documents related to the former employees' whistleblower litigation, as well as their employment files at the Office of the Attorney General of Texas.

41. In January 2025, DOJ's Office of Legal Policy published a comprehensive review of the federal execution protocol addendum. It concluded that there remains significant uncertainty about whether pentobarbital, which is currently the only drug approved for federal executions, can be used in a single-drug execution protocol without causing unnecessary pain and suffering.¹³

¹² Carla Astudillo and Chris Essig, *Ken Paxton was impeached by the Texas House. See how each representative voted*, TEXAS TRIBUNE (May 27, 2023), <https://www.texastribune.org/2023/05/27/ken-paxton-texas-house-impeachment-vote/>; Carla Astudillo, *Ken Paxton was acquitted. See how each Senator voted*, TEXAS TRIBUNE (Sept. 16, 2023), <https://www.texastribune.org/2023/09/16/ken-paxton-impeachment-vote/>.

¹³ U.S. Dep't. of Just., Off. Of Legal Policy, *Review of the Federal Execution Protocol Addendum and Manner of Execution Regulations* (Jan. 2025) <https://www.justice.gov/archives/ag/media/1384566/dl>.

a. What are your views on the federal death penalty?

RESPONSE: I am committed to following all applicable laws regarding the death penalty.

b. If confirmed, would you rescind OLP's comprehensive review of the federal execution protocol?

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

c. Do you believe that the federal government should use execution methods that cause unnecessary pain and suffering? If yes, please provide the rationale.

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

d. Do you believe that the Eighth Amendment, which protects against cruel and unusual punishment, applies to the federal death penalty? If no, why?

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

42. The First Amendment's Establishment Clause prevents the federal government from establishing a national religion.

a. Do you believe the Establishment Clause of the First Amendment applies to individual states?

RESPONSE: *Everson v. Board of Education*, 330 U.S. 1 (1947) is binding Supreme Court precedent and entitled to respect as such.

b. Should states be able to establish their own official religions?

RESPONSE: Under federal law, states may not establish their own official religions.

c. Should all faiths and religions should be treated equally and enjoy the same protections?

RESPONSE: Yes.

- d. Have you ever suggested to anyone that states should be able to establish their own religions?

RESPONSE: Not that I am aware.

- e. Do you believe attendance at church should be mandatory?

RESPONSE: Whether church attendance should be mandatory is properly the province of each religion.

- f. Have you ever suggested to anyone that attendance at church should be mandatory?

RESPONSE: I have suggested to my own family that church attendance is mandatory for us.

43. Do you believe women should be able to acquire birth control or contraception without their spouse's consent? If no, please provide your reasoning.

RESPONSE: I believe that, under the law, women may acquire such medication.

- a. Have you ever suggested to anyone that women should not be able to acquire birth control or contraception without their partner's consent?

RESPONSE: Not that I recall.

44. Do you think women should be able to be partners at law firms? If no, please provide your reasoning.

RESPONSE: Absolutely, yes. I have hired, retained, and promoted many women to senior positions and will continue to do so.

- a. Have you ever suggested to anyone that women should not be able to be partners at law firms?

RESPONSE: Please see my response above.

45. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ about investigations involving President Trump? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the date and mode of the communication.

RESPONSE: No.

46. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ or the administration, including the transition team, about the Jack Smith investigations? Had you had communications prior to your

nomination? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

47. Have you been involved in any way in the decision not to make public Volume 2 of Jack Smith's report? Please provide the nature of your involvement.

RESPONSE: No.

48. Have you ever communicated with Kash Patel about Volume 2 of Jack Smith's report? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

49. Have you ever communicated with Kash Patel about his grand jury testimony in the prosecution against President Trump for the handling of classified documents? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

50. Have you ever had communications with Kash Patel related to his grand jury testimony in the prosecution against President Trump for the handling of classified documents or Volume 2 of Jack Smith's report? Have you ever advised him about matters? If yes to either question, please provide the date and content of those communications.

RESPONSE: No.

51. Do you believe that President Trump won the 2020 election?

RESPONSE: Joe Biden was certified as the President of the United States after a deeply flawed election.

a. Do you believe that President Biden won more votes in the 2020 election?

RESPONSE: Please see my response above.

b. Do you believe that the results of the election were accurate?

RESPONSE: Please see my response above.

c. Do you believe that ballots were hidden or destroyed by anyone?

RESPONSE: Please see my response above.

52. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”¹⁴

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

RESPONSE: Yes.

- b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

RESPONSE: Yes.

- c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

RESPONSE: That is correct.

- d. Would you like President Trump to run for a third presidential term?

RESPONSE: Absent a constitutional amendment, he may not run for a third term.

- e. Would you ever advance a legal argument that President Trump may run for a third presidential term?

RESPONSE: Not that I recall.

¹⁴ U.S. CONST. amend. XXII.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nominations Hearing: Harmeet Dhillon, Aaron Reitz, and John Sauer”
Thursday, February 26, 2025

Questions for Mr. Reitz

1. At your hearing, you stated that there is “no hard and fast rule” that litigants must follow court orders. You apparently believe that this applies to the President of the United States and members of his Administration.
 - a. In what instance would President Trump or members of his Administration be permitted to violate a court order? Please cite to the appropriate authority for your assertion.

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court’s jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

- b. Do you believe that the Executive Branch or the Judicial Branch has the responsibility and authority to interpret federal laws and the Constitution? If their interpretations differ, whose wins out?

RESPONSE: See my response above.

- c. What role does the Legislative Branch play in checking the powers of the Executive Branch?

RESPONSE: See my response above.

- d. What role does the Judicial Branch play in checking the power of the Executive and Legislative Branches?

RESPONSE: See my response above.

- e. If confirmed, would you support efforts to overturn long-standing Supreme Court precedents, such as those protecting voting rights, abortion rights, or protections against discrimination?

RESPONSE: I believe it would be inappropriate to commit at this time to a position on a potential future legal argument. If I am confirmed and called upon to provide my position, I will do so only after careful consideration and consultation with appropriate officials within the Department of Justice.

- f. If asked to advance an argument before the Supreme Court that goes against the Constitution or binding Supreme Court precedent, what will you do?

RESPONSE: See my response to question 1a above.

- g. Will you commit to applying the same legal principles to cases involving political allies of the President as you do to cases involving his political adversaries?

RESPONSE: Yes.

- h. Do you believe there are any legal limits on a President's ability to use the military or law enforcement against political opponents?

RESPONSE: I agree with the statement made by the Attorney General in her hearing: that nobody will be prosecuted because of their political beliefs, which includes political opponents of the President as it does to his supporters.

- 2. You have made several statements on your twitter account outlining concerning political views. Greater clarity is needed concerning your decision to make these statements. Please elaborate on your decision to post the following tweets, whether you agree with them today, and if so, why.

- a. Why did you Tweet that the *Bostock* ruling, which prohibited employment discrimination based on sexual orientation and gender identity, was “the worst SCOTUS decision since *Obergefell*?”

RESPONSE: *Bostock v. Clayton County* and *Obergefell v. Hodges* are binding precedent of the Supreme Court and due respect as such.

- b. Why did you refer to the 2020 election as “obviously fraudulent?”

RESPONSE: As the Committee is aware, I worked on the December 2020 lawsuit by the State of Texas against Pennsylvania, Georgia, Michigan, and Wisconsin for those states violating the Constitution's Electors Clause by illegally changing the rules of appointing presidential electors. The case was rejected by the Supreme Court on standing grounds, and these states as well as others went on to certify their elections. Joe Biden was later sworn in as our 46th President

- a. What do you mean when you Tweeted that birthright citizenship is “not a thing?”

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

- c. Why did you post a picture of the infamous Joe McCarthy, while expressing a desire to “bring back the good ol' days?” What McCarthy-like tactics would you use in your role at the Department of Justice?

RESPONSE: Senator McCarthy never served in the Department of Justice as far as I am aware, and his “tactics” are legislative in nature.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Aaron Reitz
Hearing on “Nominations”
Wednesday, February 26, 2025

1. Will you abide by all lawful federal court orders if confirmed?

RESPONSE: Yes.

2. Do you believe it was appropriate for Kim Davis, the former county clerk for Rowan County, Kentucky, to refuse to issue marriage licenses to same-sex couples following the *Obergefell v. Hodges* decision in 2015?

RESPONSE: As a nominee, it would not be appropriate for me to share my personal beliefs on the facts of a specific case.

3. Did Joe Biden legitimately win the 2020 presidential election?

RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

4. The Associated Press reported in 2022 that the Texas Office of the Attorney General held a viewing party for *2000 Mules*.

- a. Who decided to show this film for members of the staff?

RESPONSE: I initially suggested it to my colleagues on the executive staff, and we agreed that viewing the film would be a worthwhile use of our time. At first, the viewing was limited only to executive staff. Other senior officials eventually invited some of their own staff members to join.

- a. Please describe your involvement with this event.

RESPONSE: See above.

- a. Did you attend the screening?

0. **RESPONSE:** Yes.

5. According to your Senate Judiciary Questionnaire, you worked for several months at each of Bracewell LLP, Cobb & Counsel, Cleveland Terrazas, and Jefferson Cano.

- a. Why did you leave each of these roles?

RESPONSE: See my answer to Senator Booker’s question 30.

a. Were you ever subject to discipline by any of these employers?

RESPONSE: No.

a. If so, what were the circumstances of that discipline?

RESPONSE: n/a

6. In *Texas v. Pennsylvania et. al.* (2020), Texas filed a lawsuit against four battleground states— Pennsylvania, Michigan, Wisconsin, and Georgia—challenging the results of the 2020 election. Please describe your involvement with this case.

RESPONSE: I was a lead drafter, as well as a chief driver of the litigation strategy and coordinator with amici.

7. Do you support President Trump’s decision to pardon individuals who violently attack police officers?

RESPONSE: Under the Constitution, the power to issue pardons and commutations belongs to the President. I do not know the rationale for these decisions, so without more information, it would be wrong of me to form or state an opinion.

8. A number of your posts on X (formerly Twitter) have been deleted. Did you delete them and, if so, when?

RESPONSE: I have oftentimes observed a practice of regularly deleting old tweets. I recall, though am not certain, clearing out my X account shortly before joining the Senate as a Chief of Staff in 2023, since most of my social media activity was related to my prior service in Texas and not related to my role as a Senate staffer.

Questions for the Record

Aaron Reitz – Nominee to be Assistant Attorney General for the Office of Legal Policy
Sen. Adam Schiff (CA)

1. Section 1 of the Fourteenth Amendment to the Constitution of the United States reads in part: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” This right is known as birthright citizenship. On April 28, 2021, you tweeted: “Friendly reminder that ‘birthright citizenship’ is not a thing.”

- a. Does the 14th Amendment guarantee citizenship for individuals born in the United States, subject to longstanding, narrow currently applicable exceptions?

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

- b. Do you believe that President Trump’s January 20, 2025, Executive Order, “Protecting the Meaning and Value of American Citizenship” is constitutional?

RESPONSE: Because of the likelihood of my involvement in litigation or legal matters concerning this executive order, it would be inappropriate for me to comment further.

- c. Do you believe any individuals born in the United States who would currently be automatically eligible for citizenship should in the future not be eligible for citizenship? If so, please detail which categories of individuals should not be eligible in the future.

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related

litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

- d. Do you agree or disagree with existing Supreme Court precedent on the Fourteenth Amendment?

RESPONSE: This question is too open-ended and vague to respond with precision. I give all U.S. Supreme Court precedent the respect and stature it deserves.

2. On April 20, 2021, Derek Chauvin was convicted of second-degree murder, third-degree murder, and second-degree manslaughter for murdering George Floyd in Minneapolis, Minnesota. The next day, on April 21, 2021, you tweeted in part, “Thank you, Derek Chauvin, for shouldering the burden of a bogus guilty verdict...”

- a. Do you believe that Derek Chauvin is innocent?

RESPONSE: A jury found Mr. Chauvin guilty. It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

- b. If you do believe he is innocent, why?

RESPONSE: n/a

3. On July 21, 2021, then-Attorney General Garland issued a memorandum on the “Department of Justice Communications with the White House,” more commonly referred to as the White House Contacts policy. This policy should govern all communications between Justice Department and White House personnel and is critical to safeguarding the DOJ’s criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports, the White House has now updated its own guidance to permit the President and select others to initiate

conversations with DOJ about specific criminal or civil cases or investigations. This goes beyond even the first Trump administration, and now blesses, for the first time, the President's engagement with DOJ on specific types of cases, whether criminal or civil.

1. Do you commit to upholding the Department's longstanding policy, as outlined in the 2021 memo, not to "advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President's duties and appropriate from a law enforcement perspective?"

RESPONSE: I commit to following all applicable law's and the Department's best practice in consultation with the Attorney General, Deputy Attorney General, and ethics counsel.

4. On February 9, 2025, Vice President Vance posted on X that "judges aren't allowed to control the executive's legitimate power." This troubling statement raises concerns that the Trump administration will defy court orders, which could pose a Constitutional crisis and recall a dark period in America's past when white supremacists Governors and other state executives blatantly disregarded the Supreme Court's decision in *Brown vs. Board of Education*. During the Civil Rights Movement of the 1960s, state executives routinely sought to defy federal court orders, refusing to integrate schools for up to 15 years after *Brown*. United States Senator James Eastland of Mississippi, criticized the Court's ruling, stating that "the South will not abide by nor obey this legislative decision by a political body." Mississippi did exactly that, continuing to defy the Supreme Court's decision for fifteen years. Ultimately, the Supreme Court of the United States was forced to issue a subsequent ruling in *Alexander v. Holmes County Board of Education* in 1969, requiring school districts in Mississippi and elsewhere to desegregate "with all deliberate speed."
 - a. Was there any legal basis for Southern states to defy the Supreme Court's decision in *Brown vs. Board* for fifteen years after the court issued its decision?

RESPONSE: I am not aware of the legal basis to do this

- b. Is there ever any legal basis for state executive officials or federal executive officials to defy a federal court order?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

- c. If you are instructed by the President, the Vice President, or any White House personnel – directly or indirectly – to argue that the Executive Branch has the authority to either defy or ignore a court order, will you stand up to and object to such an instruction in order to preserve the constitution's separation of powers?

RESPONSE: If, in this hypothetical, the matter has been appealed to the Supreme Court, I would regard its decisions as the law of the land. As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation's system of government. As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.